

NARCO Frequently Asked Questions

Last Updated: October 17, 2016

1. Q: What is the current payment percentage?

A: 100%

2. Q: What does my claim status code mean?

A: Please refer to the list of e-Claim Status Definitions under the NARCO documents tab "S".

3. Q: How should I submit NARCO exposure documents such as a deposition or answers to interrogatories?

A: Please refer to the NARCO Exposure Document chart below, which sets forth the threshold requirements for exposure documents. Whether the document meets the requirements of the TDP will be determined on a case-by-case basis:

Notarized Affidavit	Affiant	Required elements
	Injured Party	Injured party name
		Injured party signature
		Notary signature
		Notary commission expiration
		Notary stamp or seal if required by state
		Sworn under penalty of perjury, I have personal knowledge of, and am competent to testify about, the matters stated herein.
	Family member	Injured party name
		Family member name
		Family member signature
		Notary signature
		Notary commission expiration
		Notary stamp or seal if required by state
	Sworn under penalty of perjury, I have personal knowledge* of, and am competent to testify about, the matters stated herein.	
	Co-Worker	Injured party name
		Co-worker name
		Co-worker signature
		Notary signature
		Notary commission expiration
		Notary stamp or seal if required by state
		Sworn under penalty of perjury, I have personal knowledge* of, and am competent to testify about, the matters stated herein.
		See FAQ 4 below for more information regarding Co-Worker Affidavits.

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	Third Party	Third party name
		Third party signature
		Notary signature
		Notary commission expiration
		Notary stamp or seal if required by state
		Sworn under penalty of perjury, I have personal knowledge* of, and am competent to testify about, the matters stated herein.

Non-Notarized Affidavit, Sworn Statement, Declaration, Statement under penalty of perjury (each as allowed by the claimant's state law)	Affiant/Declarant	Required elements
	Injured Party	Injured party name
		Injured party signature
		Sworn under penalty of perjury, I have personal knowledge of, and am competent to testify about, the matters stated herein.
	Family member	Injured party name
		Family member name
		Family member signature
		Sworn under penalty of perjury, I have personal knowledge* of, and am competent to testify about, the matters stated herein.
	Co-Worker	Injured party name
		Co-worker name
		Co-workers signature
		Sworn under penalty of perjury, I have personal knowledge* of, and am competent to testify about, the matters stated herein.
		See FAQ 4 below for more information regarding Co-Worker Affidavits.
	Third Party	Third party name
		Third party signature
		Sworn under penalty of perjury, I have personal knowledge* of, and am competent to testify about, the matters stated herein.

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Deposition	Deponent	Required elements
	Injured Party, Family member or Co-Worker	Entire Deposition with the pertinent sections highlighted

Sworn Interrogatory Answers	Respondent	Required elements
	Injured Party, Family member or Co-Worker	Entire set of Sworn Interrogatory Answers with the pertinent sections highlighted

* For these types of documents by a non-injured party to be competent, such documents must describe the basis of the affiant's/declarant's personal knowledge of the facts he alleges, (e.g. the injured party told me that he regularly breathed asbestos dust while on the job). Members of the injured party's immediate family or household are presumed to have personal knowledge of certain information, including but not limited to the injured party's worksites, dates of employment, job titles, day-to-day duties, and working conditions.

4. Q: How does the NARCO Asbestos Trust apply the definition of Co-worker provided by footnote 11 to TDP Section 4.7(b)(3)?

A: Footnote 11 of the TDP defines "Co-worker" and directs that a Co-worker affidavit must provide competent evidence sufficient to show that the Co-worker meets the definition. The definition provides that a Co-worker "shall mean one or more individuals" who provide the required information. Accordingly, the required evidence for a claim may be submitted by one or more individuals. Specifically, one individual may submit an affidavit, based on his/her personal observations, establishing that an asbestos-containing NARCO product was present at a particular worksite during the relevant time period (i.e. the time period the claimant worked at the site in question) and another individual may submit an affidavit, also based on his/her personal observations, establishing that he/she worked with the claimant and that the claimant worked with or around refractory products at that worksite, all during that relevant time period. As provided in Section 4.7(b)(3), exposure evidence may also be provided by the claimant, family members in the case of a deceased claimant, depositions, sworn interrogatory answers, invoices, construction or similar records, or other competent evidence. The definition of "Co-worker" does not alter or impact the evidentiary showing a claimant is obliged to make under Section 4.7(b)(1), which requires a demonstration of the claimant's occupational exposure to

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a specific NARCO asbestos-containing product.

- 5. Q: How does the NARCO Asbestos Trust apply TDP Section 4.1(a)(2) to claims (a) which were not filed against NARCO or Honeywell in the tort system before the NARCO Petition Date, (b) for which limitations time had not run prior to the Petition Date, and (c) to which the specified tolling triggers of Section 4.1(a)(2) do not apply?**

A: Any claims that were first diagnosed after the Petition Date of January 4, 2002, irrespective of any relevant statute of limitations, may be filed with the NARCO Asbestos Trust within three (3) years after the date of diagnosis or within three (3) years after the Initial Claims Filing Date of April 1, 2014, whichever occurs later.

For a claim that was first diagnosed before the Petition Date of January 4, 2002, and was not filed against NARCO or Honeywell in the tort system, the NARCO Asbestos Trust determines if the claim would have been time-barred under applicable law on the Petition Date. If the claim was not time-barred on the Petition Date, then, absent the application of one of the tolling triggers of Section 4.1(a)(2), the claim must have been submitted to the NARCO Asbestos Trust by May 1, 2014, which was 30 days after the Initial Claims Filing Date of April 1, 2014. For example, assume the applicable state statute of limitations is two years, that 18 months had run before January 4, 2002, and that one of the tolling provisions of Section 4.1(a)(2) does not apply, the claimant would have had until May 1, 2014, to submit the claim to the NARCO Asbestos Trust.

For a claim that was first diagnosed before January 4, 2002, that was not time-barred on January 4, 2002, and that was not filed against NARCO or Honeywell in the tort system, if the claim was not submitted to the NARCO Asbestos Trust by May 1, 2014, and one of the tolling provisions of Section 4.1(a)(2) does not apply, the claimant may demonstrate that applicable federal, state or foreign statute of limitations and repose that is in effect at the time of the filing with the NARCO Asbestos Trust, with factual evidentiary support, allows for tolling sufficient for the claim to be deemed timely. In that situation, the NARCO Asbestos Trust will analyze the timeliness of the claim based on the facts of each case, the individual evidence presented and the applicable law.